



PATENT APPLICATION

In re the Application of

Koichi SANPEI et al.

Group Art Unit: 3742

Application No.: 10/739,221

Examiner: Joseph M. PELHAM

Filed: December 19, 2003

Docket No.: 118125

For: HEAT ROLLER AND METHOD OF FABRICATING THE SAME

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the December 3, 2004 Office Action, reconsideration of the rejection is respectfully requested in light of the following remarks. Claims 1-5 are pending in this application.

The Office Action rejects claims 1-5 under 35 U.S.C. §103(a) as unpatentable over information disclosed within the Applicants' application in view of Japanese Patent Document 10-228201 ("JP201"). This rejection is respectfully traversed.

The Office Action on page 3, lines 3-8, states: "The acknowledged prior art, at page 2 of the specification, discloses a fixing roller formed by sandwiching a sheet-like heating element between inner and outer tubes, applying fluid pressure to expand the inner tube to bring the elements into intimate contact. The acknowledged prior art does not disclose inserting the elements into a die in the shape of a reverse crown and applying the fluid pressure to conform the roller to the die shape," (emphasis added). The Office Action relies upon JP201 to fill that deficiency.

Based upon the Office Action's reference to "page 2 of the specification," Applicants assume that the Office Action asserts that the text at page 2, lines 9-33, of the specification represents an admission by the Applicants that the features described constitute "prior art" under 35 U.S.C. §102. Applicants respectfully submit that page 2, lines 9-33, of the specification are in no way an admission by the Applicants that the features described are prior art.

Page 2, lines 9-33, is a reference to subject matter first described in a Japanese patent application owned by the same assignee as the present application, now published as Japanese Publication JP 2003-029559 ("JP559"). The named inventors of the present invention are also listed as inventors on the JP559 publication. An Information Disclosure Statement (IDS) containing a computer generated translation of JP559 has been filed concurrently with this Request for Reconsideration. See, e.g., [0018]. The entire computer generated translation of JP559 submitted in the IDS has not been reviewed for accuracy. However, for the convenience of the Examiner, an accurate human translation of paragraph [0018] reads, "this roller is formed by arranging a planar heating element 11 between an inner tube 9 and an outer tube 10, which are made of metal, such as aluminum, stainless steel, copper, galvanized steel, or, heat-resistant resin, such as carbon fiber. The planar heating element 11 sticks firmly to the inner tube 9 and the outer tube 10, by applying a pressure in a direction from the inner tube 9 to the outer tube 10."

Further, the present application claims priority to Patent Cooperation Treaty (PCT) application PCT/JP02/0544, filed June 3, 2002 (i.e., before publication of JP559 on January 31, 2003).

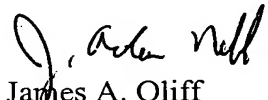
For at least these reasons, the text included in the present application at page 2, lines 9-33, does not constitute a reference to, or an admission of, prior art. Therefore, the rejection of claims 1-5 under 35 U.S.C. §103(a), relying on the text included in the present application

at page 2, lines 9-33, must be withdrawn. Therefore, withdrawal of the rejection with respect to claims 1-5 is respectfully requested.

For at least these reasons, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-5 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

J. Adam Neff
Registration No. 41,218

JAO:JMH/fpw

Date: March 3, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--